

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. JUL 29 1993

Returned to applicant for correction.

Corrected application filed. Map filed AUG 12 1993 under 59076

The applicant Independence Mining Company, Inc.

HC 31, Box 78 of Elko City or Town

Nevada 89801 State and Zip Code No. hereby make S application for permission to change the

point of diversion and place of use of a portion

of water heretofore appropriated under permit #53002

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.

1. The source of water is underground (DW#5)

2. The amount of water to be changed 0.1 c.f.s.

3. The water to be used for mining and milling (de-watering of mine zone-non-consumptive)

4. The water heretofore permitted for mining and milling, dust suppression and domestic

5. The water is to be diverted at the following point within the SW 1/4 NE 1/4 Sec. 2, T.42N., R.53E.,

MDM, from which the SE corner of Sec. 31, T.43N., R.54E., bears N. 80° 22' E.,

12,499 ft. dist.

6. The existing permitted point of diversion is located within the SW 1/4 NE 1/4 Sec. 2, T.42N., R.53E.,

from which the SE corner of Sec. 31, T.43N., R.54E., bears N. 79° 04' E.,

13,363 ft. dist.

7. Proposed place of use Section 1 and 2, T.42N., R.53E., MDM.

8. Existing place of use portions of T.42N., R.53E., Sec. 1: lots 1,2,3,4, S 1/2 NW 1/4, SW 1/4;

Sec. 2: All; Sec. 11: All; Sec. 12: W 1/4, W 1/4 E 1/4, T.43N., R.53E.; Sec.

35: S 1/2 SE 1/4; Sec. 36: SE 1/4 NE 1/4, SE 1/4 E 1/4, SW 1/4, SW 1/4, T.42N., R.54E.; Sec. 3: Lots 3,4; Sec. 4: Lots

1,2,3,4; Sec. 5: Lots 5,6; T.43N., R.54E.;

Sec. 31: S 1/2 N 1/4, S 1/2; Sec. 32: S 1/2 NW 1/4, S 1/2; Sec. 33: S 1/2 S 1/2, NE 1/4 SE 1/4; Sec. 34: SW 1/4

9. Use will be from January 1 to December 31 of each year.

10. Use was permitted from January 1 to December 31 of each year.

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) small diameter drilled well to a depth below

design of ultimate mine pit depth; casing, submersible electric pump and motor.

12. Estimated cost of works \$20,000.00

13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use. 10 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

A total of eight small wells will, combined, pump an estimated 1,000 gallons per minute to a central collection pond and as required, to be treated to remove any harmful components before discharge into the North Fork of the Humboldt River, in compliance with a discharge permit issued by the Division of Environmental Protection. The pumps will be operated for this purpose for the life of the mining development. No other beneficial use of this water is contemplated by the applicant. This application replaces an expired temporary change permit for the same purpose.

By s/William A. Nisbet

421 Court Street  
Elko, Nevada 89801

Compared bc/bc cl/cms

Protested \_\_\_\_\_

APPROVAL  
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 53002 is issued subject to the terms and conditions imposed in said Permit 53002 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 51163, 51292, 52452, 53002, 53003, 53271, 53272, 53273, 59076, 59077, 59078, 59079, 59080, 59081, 59082 and 59083 will not exceed 377.0 million gallons annually (1,157.0 acre-feet annually).

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1 cubic feet per second, but not to exceed 46.65 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before January 30, 1997

Proof of completion of work shall be filed before March 1, 1997

Application of water to beneficial use shall be made on or before January 30, 1998

Proof of the application of water to beneficial use shall be filed on or before March 1, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 30th day of July

A.D. 19 98

R. Michael Turnipseed P.E.  
State Engineer

WITHDRAWN BY APPLICANT JUN 05 1998  
R. Michael Turnipseed P.E.  
STATE ENGINEER  
(O)-1108 (Rev. 6-81)

## (PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly measurements shall be kept and submitted to the State Engineer within 15 days after the end of each calendar quarter which shall include: the volume of water pumped from each well, the rate of diversion pumped from each well, the water level measurement (drawdown) from each well and the volume of water consumptively used for mining and milling purposes.